



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

Telephone
(617)-796-1120
Telefax
(617) 796-1142
E-mail
mkruse@ci.newton.ma.us

Public Hearing Date:	11 May 2004
Land Use Action Date:	8 June 2004
Board of Aldermen Action Date:	21 June 2004
90-Day Expiration Date:	9 August 2004

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Nancy Radzevich, Chief Planner
Jennifer Goldson, Principal Planner

SUBJECT: #213-04 BROOKLINE STREET, LLC, c/o MARK KAPLAN, 99 BALDPATE HILL ROAD petition to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL nos. 504-80 & 504-80(2) by subdividing an existing 61,498 square-foot lot at 333 BROOKLINE STREET, Ward 8, into two lots in order to construct two single-family dwellings. Front Lot B, containing 26,226 sf, will be accessed through a permanent easement on the adjoining lot and rear Lot A, containing 32,224 sf, will be accessed from Brookline Street, with the remaining 3,049 sf conveyed to the abutter at 363 Brookline Street. The land, also known as Sec 82, Blk 20, Lot 15, is located in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-15(b)(4), 30-15 Floor-area-ratio, 30-19(f)(1), 30-19(m) of the City of Newton Rev Zoning Ord, 2001.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will consider in its discussion at a subsequent Working Session.

I. ELEMENTS OF THE PETITION

The subject property is located at 333 Brookline Street and is improved with a 1.5 story wood-frame, Colonial Revival style single-family house that is approximately 3,266 s.f. in area. The house was constructed circa 1925 and was determined to be "Preferably Preserved" by the Newton Historical Commission on 29 November 2002 due to the siting of the house, its contribution to the character of the neighborhood, and as pre-subdivision homes are not

common in the area (*SEE ATTACHMENT “A”*). The one-year stay of demolition expired in November 2003.

The house, which is sited on a 1.4 acre lot and is setback approximately 149 feet from Brookline Street, is accessed by a semi-circular driveway with two access points from Brookline Street. A portion of this driveway provides shared access to two rear lots to the south of this property. These rear lots were created as part of a special permit in 1980 and 1981 that was the subject of two Board Orders (#504-80 and 504-80(2)).

The petitioner proposes to demolish the existing house, subdivide the lot into a front lot and a rear lot, and construct two single-family houses. The petitioner also proposes to convey a 3,049 s.f. portion of the lot to the abutting property at 363 Brookline Street. A new driveway off of Brookline Street would access the new front lot and the new rear lot would be accessed by the westerly portion of the existing shared driveway. The easterly portion of the existing driveway is proposed to be removed.

The Chief Zoning Code Official has completed his zoning review of this petition, dated 3 May 2004, (SEE ATTACHMENT “B”), and cites the need for approval from the Board for amending the prior Board Orders (#504-80 and 504-80(2)) and a special permit for rear lot subdivision under Section 30-24(d).

II. ZONING RELIEF BEING SOUGHT

The petitioner is seeking relief from or approval through Section 30-24(d), which allows the Board of Aldermen to grant a special permit to allow a rear lot to measure its required frontage along the rear line of the lot or lots in front of it.

III. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing this petition, the Board should consider the following:

- *Whether site is an appropriate location for an additional residential rear lot;*
- *Whether the proposed rear lot as developed and operated will adversely affect the neighborhood;*
- *Whether there will be any nuisance or serious hazard to vehicles or pedestrians; and*
- *Whether access to the site over streets is appropriate for the type and number of vehicles involved.*

IV. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Site

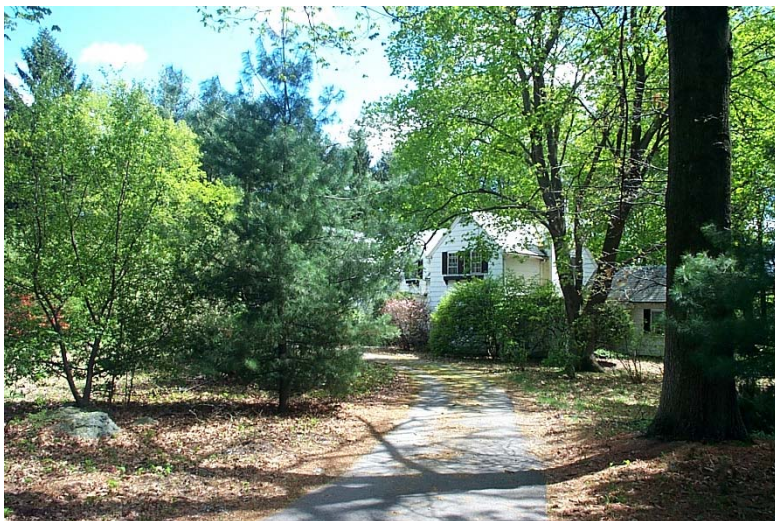
The property is located at 333 Brookline Street, (Section 82, Block 20, Lot 15), which is in a Single Residence 1 Zoning District. The site is improved with a wood-frame Colonial Revival style house that was built circa 1925. The house, which is sited on a 1.4 acre lot and is setback approximately 149 feet from Brookline Street, is accessed by a semi-circular driveway with two access points from Brookline Street. A portion of this driveway provides shared access to two rear lots to the south of this property.

B. Neighborhood

The neighborhood consists primarily of modest single-family houses that were built in the mid-late 20th century. The subject property is located on Brookline Street between Laurus Lane and Memorial Spaulding Elementary School. Brookline Street is a minor arterial that provides east-west connection between Dedham Street and the Hammond Pond Parkway in Brookline.



333 Brookline Street – front of existing house



333 Brookline Street – front looking from Brookline Street



333 Brookline Street – Shared driveway called “Holly Way”



333 Brookline Street – Existing rear lots (to south of site)



333 Brookline Street – Brookline Street neighborhood

V. ANALYSIS

A. Technical Considerations

The following table compares the existing residence and the proposed new residences and lots to the technical requirements for a single-family dwelling in a Single Residence 1 District:

Single Residence 1	Required	Existing Lot	Proposed Lot A (rear lot)	Proposed Lot B (front lot)
Minimum lot size	25,000 s.f.	61,498 s.f.	35,272 s.f.	26,226 s.f.
Frontage	140 ft.	194.94 ft.	20 ft.¹	174.94 ft.
Setbacks				
Front	40 ft.	149.3 ft.	40.4 ft.	40.5 ft.
Side	20 ft.	113.3 ft. (east)	±114 ft. (east)	23.5 ft. (east)
Side	20 ft.	48.7 ft. (west)	47.6 ft. (west)	40.3 ft. (west)
Rear	25 ft.	±99 ft.	27.7 ft.	47.9 ft.
Floor Area Ratio	0.2	±0.0531 ²	0.163	0.195
Build Factor	30	7.4	22.15	16.79
Building height	30 ft.	NA	28.76 ft.	29.67 ft.
Max. # of stories	2.5 stories	1.5 or 2 stories	2 stories ³	2 stories ³
Max. building lot coverage	15%	NA	9.5%	14.99%
Min. amount of open space	70%	NA	79.4%	77.9%

- 1 If the Board of Aldermen grant the special permit to measure the frontage along the rear lot line of the lot in front, the lot will have 174.94 ft. of frontage.
- 2 The FAR calculation for the existing house is based on the house size as listed in the Assessor's Database.
- 3 According to the Chief Zoning Code Official, the architectural plans indicate incorrect calculations for proposed attic areas. A special permit would be required if the number of stories exceeds 2.5.

B. Land Use

The land uses surrounding the subject property are primarily single-family houses. The Memorial Spaulding Elementary School is located nearby on Brookline Street. The abutting property to the east (327 Brookline Street) is a moderately sized single-family house. The abutting property to the west (363 Brookline Street) is also a moderately sized single-family house. The two rear lots to the south of the subject property (341 and 343 Brookline Street), which are accessed over a common driveway also shared by the subject property, are also moderately sized single-family houses.

C. Building Design and Site Improvements

Two new single-family houses are proposed for this site:

Building "A" is located on the rear lot, and
Building "B" is located on the front lot along Brookline Street.

Both buildings are sited at an angle to Brookline Street. The landscape plan generally shows many of the existing trees to remain as well as extensive new plant material both immediately around the proposed buildings as well as separating and buffering the lots from one another.

The proposed design for Building “B” (on the front lot) is a formal Colonial Revival style house with five symmetrical bays, a central entrance with a pedimented portico, a hipped roof with pedimented dormers, a side wing to the east, and a porte-cochere to the west. The house would be sheathed in wood clapboards and the roof material is fiberglass and copper for the dormers. The building is approximately 5,114 s.f. and is accessed from a new driveway off of Brookline Street.

The proposed design for Building “A” (on the rear lot) is a more informal design with a style that reflects that of a carriage house for a grand estate. The building is ell-shaped with a large garage located on the west side. The building has numerous cross-gables with shed dormers, asymmetrical facades, a roof lantern¹, bead board gables, wood clapboard sheathing, and fiberglass roof shingles. The building is approximately 5,749 s.f. and is accessed from the existing shared driveway off of Brookline Street (called “Holly Way”).

D. Department/Commission Reviews

The Acting City Engineer is expected to provide further review comments prior to the public hearing.

E. Relevant Site Plan Approval Criteria

1. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets.

The proposed plan adds a net of one housing unit to the site and adds an additional curb cut and driveway off of Brookline Street to provide access to the front lot. The additional proposed curb cut is located immediately adjacent to the existing curb cut and driveway that currently provides shared access to both 363 Brookline and the subject property. Due to the curve in Brookline Street to the west of the subject property, site lines are limited at the location of the proposed new driveway.

Therefore, it appears that the convenience and safety of vehicular movement would be enhanced by continuing to share the existing driveways rather than creating a new driveway, particularly the driveway called “Holly Way” which is currently shared by 327, 343, and 341 Brookline Street (as well as the subject property) since it is further from the curve in Brookline Street and, therefore provides better sight lines for safe exit.

¹ A lantern is “a small structure on a roof or dome with windows or openings for the admittance of light.” As opposed to a cupola which is “a small domed structure crowning a roof or tower.” (Source: *Old House Dictionary: An Illustrated Guide to American Domestic Architecture* by Steven J. Phillips, 1992)

2. Screening of parking areas and structures on the site from adjoining premises or from street by walls, fences, plantings, or other means.

The landscape plan, dated Spring 04, shows screening of trees and other planting at each property line on both proposed lots. Many of these trees appear to be mature existing trees. New plantings include numerous species of coniferous trees and some deciduous trees.

3. Avoidance of major topographical changes: tree and soil removal shall be minimized

Although the submitted landscape plan indicates that existing trees will be preserved, it is not clear how many will be preserved or precisely where they are located. The lot slopes from 150 foot contour at Brookline Street to 135 foot contour at the rear of Lot "A". It does not appear that the proposal will greatly alter the contours.

As required, the petitioner should submit a revised site plan that clearly indicates the existing trees to be preserved and those to be removed as well as the location of proposed plantings. This should be submitted to the Planning Department and Tree Warden prior to the Public Hearing.

4. Avoidance of the removal or disruption of historic resources including historical architectural elements.

This proposal includes the demolition of a circa 1925 Colonial Revival style house that has been determined by the Historical Commission to be "Preferably Preserved." The one-year stay of demolition expired in November 2003. The Planning Department is concerned that the petitioner is removing the historically significant house. The preservation of the existing residence is often a public benefit associated with rear lot subdivisions. ***At the public hearing, the petitioner should be prepared to address how the public convenience and welfare will be served with this petition.***

F. Relevant Special Permit Criteria

1. The specific site is an appropriate location for such use, structure

This site is located in a single-family residential neighborhood and is one of the largest lots in the neighborhood. Therefore, subdividing this lot into two appears to be generally consistent with the use and size of many surrounding lots in the neighborhood.

However, the proposed new houses are each over 5,000 s.f. in area (5,114 s.f. and 5,749 s.f., including the attached garages) which is *significantly larger* than most of the houses found in this neighborhood along Brookline Street.

According to the assessor's database, the surrounding residences have the following "house size" (including attached garage size):

Address #	Street	House & Att. Garage Size
2	Laurus Lane	3,594 s.f.
363	Brookline Street	4,152 s.f.
333	Brookline Street	3,266 s.f.
327	Brookline Street	3,557 s.f.
341	Brookline Street	3,116 s.f.
343	Brookline Street	3,332 s.f.
366	Brookline Street	1,576 s.f.
360	Brookline Street	1,556 s.f.
352	Brookline Street	2,230 s.f.
344	Brookline Street	1,726 s.f.
328	Brookline Street	4,094 s.f.
	Average Size	2,927 s.f.
	Median Size	3,266 s.f.

Although the area of the proposed houses complies with the floor area ratio requirement of the Zoning Ordinance, these houses would be substantially larger than any others found within the immediate neighborhood. The Planning Department believes that the structures should be reduced in size to be compatible with the existing residences in the immediate neighborhood.

2. The use as developed and operated will not adversely affect the neighborhood.

The large size of the proposed structures will impact the character of the neighborhood, particularly along Brookline Street, since the neighborhood primarily consists of moderate residences with an average size of under 3,000 s.f. as shown in the table above.

3. Access to the site over streets is appropriate for the type and number of vehicles involved

A net of one additional household with one additional driveway along Brookline Street will result from this proposal. The number of households served by the existing shared driveway will not change. Although the Planning Department discussed using the existing shared driveway for both new units (as discussed in more detail above), the petitioner's attorney felt that abutter support would be compromised.

VI. SUMMARY

The subject property is located at 333 Brookline Street and is improved with a 1.5 story wood-frame, Colonial Revival style single-family house. The house was constructed circa 1925 and was determined to be "Preferably Preserved" by the Newton Historical Commission on 29 November 2002 due to the siting of the house, its contribution to the character of the neighborhood, and as pre-subdivision homes are not common in the area. The one-year stay of demolition expired in November 2003.

The petitioner proposes to demolish the existing house, subdivide the lot into a front lot and a rear lot, and construct two single-family houses. The petitioner also proposes to convey a

3,049 s.f. portion of the lot to the abutting property at 363 Brookline Street. A new driveway off of Brookline Street would access the new front lot and the new rear lot would be accessed by the westerly portion of the existing shared driveway. The easterly portion of the existing driveway is proposed to be removed.

Prior to the Public Hearing:

- 1. The petitioner should submit a site plan that clearly indicates the existing trees to be preserved and those to be removed as well as the location of proposed plantings.***

Prior to the Working Session:

- 1. The petitioner should respond to the issues raised by Chief Zoning Code Official including, submitting revised calculations for proposed attic areas with respect to compliance with the 1/2 story definition as stated in Section 30-1.***